

Application No.: 10/804,958
Reply to Office Action of October 9, 2007

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REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated October 9, 2007. Applicant would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1, 12, 17, 19 and 28 are amended to provide broad coverage for the invention. Claims 5, 6, 13-16, 22, 25-27 and 30 were previously canceled. Accordingly, Claims 1-4, 7-12, 17-21, 23, 24, 28, 29 and 31 stand pending in this application. It is respectfully submitted that in light of the amendments to the claims and the remarks below, all of the claims are now in condition for allowance.

Rejections in view of U.S. Patent No. 5,218,664, U.S. Patent No. 6,434,313, and U.S. Patent No. 5,649,042.

Claims 1-4, 8, 11, 12, 17-21, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,218,664 to O'Neill et al. ("O'Neill") in view of U.S. Patent No. 6,434,313 to Clapp, Jr. et al. ("Clapp"). Claims 7, 9, 10, 23, 24 and 31 are rejected under O'Neill and Clapp in further view of U.S. Patent No. 5,649,042 to Saito ("Saito"). Applicant respectfully traverses these rejections for at the least the reasons discussed below.

Applicants have amended claims 1, 17 and 28 to recite "a pedestal base" and "a housing positioned over the pedestal base." Neither Clapp, O'Neill nor Saito, either alone or in combination, can be considered to include a "pedestal

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base" with a "housing positioned over the pedestal base" as recited in the claims.

The pedestal base is described in paragraph [0025] of the present application.

Specifically, paragraph [0025] states, in part, the following regarding a "pedestal" base:

A housing 28 is positioned over a conventional pedestal base 30 or onto a similar base incorporated into a below-grade vault or hand hole. The base 30 shown defines an integral stake feature 32 and is self-supporting. However, the base 30 and housing 28 may also be stake-mounted on the ground or pole-mounted above the ground.

Thus, the specification describes the pedestal base as comprising a conventional pedestal base or a base that may be incorporated into a below-grade vault or hand hole. Moreover, the specification states that the pedestal base can comprise an integral stake feature that is self-supporting. Indeed, the base extends from an interior portion of the claimed housing to provide the claimed pedestal base.

On the other-hand, O'Neill fails to disclose any structure that can be considered a pedestal base as required by the claims. Rather, O'Neill discloses a container (10) closed by an end cap (12). The container (10) completely surrounds the end cap (12) with the lower edge of the end cap (12) being flush with the lower end of the container (10). Accordingly, the end cap (12) of O'Neill serves to seal the end of the container (10) and cannot be considered a "pedestal" base designed to provide a pedestal support for the claimed housing "positioned over the pedestal base." Moreover, Clapp fails to address the deficiencies of the O'Neill reference. Indeed, Clapp discloses a housing (39) with an end cap (21)

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that cannot be considered a "pedestal" base as set forth in the claims.

Accordingly, neither O'Neill nor Clapp, alone or in combination, teach or suggest the "pedestal" base set forth in claims 1, 17 and 28. Accordingly, applicants respectfully request withdrawal of the corresponding rejections of these claims.

Applicants further respectfully request withdrawal of the rejections of claims 2-4, 8, 11, 12, 18-21 and 29, for example, as depending directly or indirectly from one of claims 1, 17 or 28 that are believed to be in condition for allowance as set forth above.

Saito also fails to address the deficiencies of the O'Neill and Clapp references. Indeed, Saito discloses a pre-connectorized loose tube cable that fails to include any structure that can be considered a "pedestal" base as set forth in claims 1, 17 and 28. Accordingly, neither O'Neill, Clapp nor Saito, alone or in combination, teach or suggest the "pedestal" base set forth in claims 1, 17 and 28. Applicants therefore respectfully request withdrawal of the corresponding rejections of claims 7, 9, 10, 23, 24 and 31, for example, as depending directly or indirectly from one of claims 1, 17 or 28 that are believed to be in condition for allowance as set forth above.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course.

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Examiner Chiem is encouraged to contact applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

This amendment is filed in response to the Official action mailed October 9, 2007. The three month period for response expired on January 9, 2008. Accordingly, applicants respectfully request and petition that the response date to be extended for three months, up to and including April 9, 2008. The \$1050.00 fee required for the extension is authorized to be charged to Deposit Account No. 03-3325, Corning Inc.

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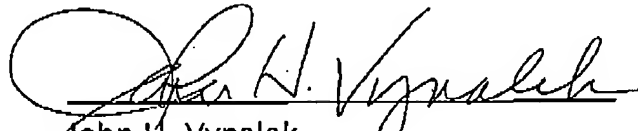
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In the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 03-3325, Corning Inc.

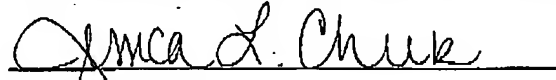
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I hereby certify that this correspondence, and any attachment thereto, is being transmitted to the United States Patent and Trademark Office by facsimile transmission to (571) 273-8300 on the date indicated blow.


Jessica L. Cheek3/27/08
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